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Intro

Today we will בע"ה learn מסכת גיטין of מסכת גיטין of מסכת גיטין. Some of the topics we will learn about include.

כתב על גבי כתב

The Gemara discusses a Machlokes regarding a Sofer who rewrote the שש, the name of Hashem, לשמה, on top of a previously שש that was written אישלא לשמה whether a Gett written in this fashion would be כשר or not?

כתבו על איסורי הנאה

A Gett that was written on material whose benefits are prohibited, is כשר ג.



וכתב B

ולא חקק

A Gett whose words were engrave into wood; And the distinction between

חק תוכות

פסול

He cut around, and within, the letters, so that the letters then automatically protrude from the wood; and as Rashi explains, this אָכָּתְיָבָה is NOT considered כָּתִיבָּה,

לפי שלא צייר את האותיות

He did not create the actual letters.

And

חק יריכות

שר

He engraved the actual letters into the wood; and this מתיבה IS considered כתיבה.

Several Halachos regarding that a husband who gives a Gett must be מקנה, bequeath, the complete Gett, including the paper upon which it's written, to his wife.









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הגודרות אין להן חזקה

A person cannot claim that he owns an animal from the mere fact that it is now in his possession, because it is possible that the animal belongs to someone else, but wandered into his property.









So let's review ...

says רב חסדא

גט שכתבו שלא לשמה והעביר עליו קולמוס לשמה באנו למחלוקת רבי יהודה ורבנן

A Gett that was first written שלא לשמה, not specifically for this woman, but then the סופר, the scribe, wrote over the letters לשמה:

Whether this Gett is כשר or not depends on the Machlokes of רבי יהודה and Chachamim in the following case:

הרי שהיה צריך לכתוב את השם

ונתכוין לכתוב יהודה וטעה ולא הטיל בו דלת

A סופר, who was at the point where he needed to write the name of Hashem, thought that he needed to write הודה, and mistakenly omitted the letter Daled, leaving him with the properly spelled name of Hashem. However, the problem is, it was not written with the proper כוונה, as required,

לשם קדושת השם

With the intention of writing the Holy name of Hashem. רבי יהודה says

מעביר עליו קולמוס ומקדשו

He writes over it with the proper כוונה, because רבי יהודה holds that the כתב עליון, the second writing, is considered a בתיבה.

The חכמים say;

אין השם מן המובחר

This שם is not valid, because the Chachamim hold that the כתב עליון is not considered מתיבה.

Similarly, says רב חסדא, regarding a Gett, רבי יהודה would hold that the Gett is כתב עליון is considered a כתב עליון, and the Gett is now. לשמה

While the Chachamim hold the Gett is פסול, because the נכתב while is NOT considered a כתב עליון, and the Gett is still שלא לשמה.

רב אחא בר יעקב disagrees and says, perhaps both רבי יהודה and the Chachamim agree that the **G**ett is כשר; however, עד כאן לא קאמרי רבנן התם דבעינא זה אלי ואנוהו וליכא

It is only regarding a Sefer Torah that the כתב עליון is not a כתב עליון is not a כתיבה, because it is an inferior writing, and there is a Mitzvah to make a Sefer Torah – and every Mitzvah - beautiful. However, regarding Gett it IS a כתיבה, because there is NO Mitzvah to enhance a Gett.

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The Gemara continues with additional Halachos of writing a אגי, and cites a Braisa:

רבי אומר

כתבו על איסורי הנאה כשר

A Gett that is written on material whose benefits are prohibited is כשר. Although the Pasuk states וכתב לה ספר כריתות ונתן בידה

And the word נתינה generally means giving something of value, and איסור הנאה has NO value; however, in this case נתינת גט היא

The word נתינה only means the physical transfer of the Gett from husband to wife.

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The Gemara cites another Braisa

וכתב

ולא חקק

A Gett whose words were engraved into wood is פסול, because the Pasuk states

וכתב לה ספר כריתות

And

הקיקה is not considered כתיבה.

The Gemara however questions this from a Braisa which states

עבד שיצא בכתב שעל גבי טבלא ופינקס

יצא לחירות

A servant who was given a שטר שיחרוע, whose letters were engraved into a board, is free. Apparently, חקיקה IS considered a כתיבה, and if so why is the Gett פסול?









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The Gemara answers that indeed אטר שיחרור and שטר שיחרור have the same Halachos. However, the two Braisos are discussing different circumstances:

הא דחק תוכות

הא דחק יריכות

It depends on the way the letters were engraved: The Braisa which says that פסול is פסול, refers to a case of חק תוכות

He cut around, and within, the letters, so that the letters then automatically protrude from the wood; and as Rashi explains, this חקיקה is NOT considered, כתיבה, because לפי שלא צייר את האותיות

He did not create the actual letters.

Whereas the Braisa which says כשר is כשר, refers to a case of

חק יריכות

He engraved the actual letters into the wood; and this מתיבה IS considered כתיבה.



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Regarding the issue of engraving, the Gemara brings a Braisa which discusses the צ'ץ, a gold plate the כהן גדול wore on his forehead, which had the words 'קודש לה engraved on it; about which the Braisa says; לא היה כתבו שוקע

אלא בולט כדינרי זהב

The letters were not indented, but rather protruded from the gold plate as figures on a gold coin.

After some discussion the **G**emara explains, that the letters were engraved from the back, so that they protruded from the front. In this way, the letters are considered חק הוכות חס, not חק הוכות, because they were directly created.

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The Gemara goes on to discuss several Halachos regarding that a husband who gives a Gett must be מקנה, bequeath, the complete Gett, including the material upon which it's written, to his wife:

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הרי זה גיטך והנייר שלי

אינה מגורשת

If he gives her a Gett and says, "This is your Gett, but the paper remains mine," she is not divorced, because, as Rashi explains;

כיון דהנייר שלו

לא נתן לה כלום

דנמצאו אותיות פורחות באויר

If he owns the paper, she did not receive anything, and the words have no place to rest on. However,

על מנת שתחזירי לי את הנייר

הרי זו מגורשת

If he says here is your **G**ett on the condition that you return the paper to me, she IS divorced, because

מתנה על מנת להחזיר

שמה מתנה

She owns the paper until it is returned.



2.
cתב לה גט על טס של זהב

כתב לה גט על טס של זהב

ואמר לה התקבלי גיטך והתקבלי כתובתך

If he gives her a Gett written on a gold plate, and he says to her; this is both, your Gett and your Kesubah payment;

נתקבלה גיטה

ונתקבלה כתובתה

She is divorced, and she has received her Kesubah payment, because, as Rashi explains;

ונתן means even if was not לשם מתנה, as a gift, but לשם, as a payment.

However,

אי אמר לה אין

אי לא לא

The vv is considered a Kesubah payment only if he specifies that the vv is for both. Otherwise, the vv is not a Kesubah payment, because

אוירא דמגילתא הוא

The entire ou even the margins are part of the Gett.









בעי רמי בר חמא

היו מוחזקים בעבד שהוא שלו

וגט כתוב על ידו

והרי הוא יוצא מתחת ידה מהו

In a case of servant who was known to belong to the husband, and was later found in the wife's possession with a Gett written on his hand;

Do we say

אקנויי אקני לה

She is divorced, because apparently, her husband was the מקנה the עבד to her, and she thereby acquired the Gett as

OR, we say

הוא מנפשיה עייל

She is not divorced, because the fact that the עבד is now in her possession is no proof that he was given to her. Perhaps the עבד went to her on his own, and she did not acquire the Gett.

בצי ראי בר חאא

היו מוחזקים בעבד שהוא שלו וגט כתוב על ידו והרי הוא יוצא מתחת ידה

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A servant known to belong to the husband and was later found in the wife's possession with a Gett written on his hand...

הוא מנפשיה



The Gemara proves that we say הוא מנפשיה עייל

From the Halachah of

הגודרות אין להן חזקה

A person cannot claim to own an animal from the mere fact that it is now in his possession, because it is possible that the animal belongs to someone else, but wandered into his property.



A person cannot claim to own an animal from the fact that it is now in his possession because it is possible the animal belongs to someone else but wandered into his property



Dedicated By: __





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בעי רמי בר חמא

היו מוחזקין בטבלא שהיא שלה

וגט כתוב עליה

והרי היא יוצאה מתחת ידו מהו

In a case of a board that was known to belong to the wife, and was then in the husband's possession with a **G**ett written on it:

Do we say

אקנויי אקניתא ליה

He CAN divorce her with the טבלא, because apparently she was first טבלא to him, and he now owns the Gett.

OR we say

אשה לא ידעה לאקנויי

He CANNOT divorce her with this טבלא, because she does not know to be מקנה it completely because she knows that she will be getting it back soon; and she still owns the **G**ett.

The Gemara concludes

אשה ידעה לאקנויי

As we see in a later Mishnah that

אשה כותבת את גיטה

A woman can writes her own **G**ett, as Rashi there explains ומקנתו לבעל

וחוזר ומוסרו לה לגירושין

She is first מקנה the Gett to her husband, and he then returns it and is מקנה it to her.





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